

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Electronics Partners Corporation  
1616 Perrino Place  
Los Angeles, Ca 90023

ID No. CAL 000 268 784

Respondent.

Docket HWCA 2004 0678

STIPULATION AND ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Electronics Partners Corporation (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on November 3, 2005. (Attached as Exhibit 1.)

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety Code section 25187.

4. Respondent waives any right to a hearing in this matter.

5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. Respondent admits the allegations made in the Enforcement Order.

SCHEDULE FOR COMPLIANCE

7. Respondent has corrected the violations cited in the Enforcement Order. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited therein.

1           7.1. Submittals: All submittals from Respondent pursuant to this Order shall  
2 be sent to:

3                   Mr. Robert Kou, Unit Chief  
4                   Statewide Compliance Division  
5                   Department of Toxic Substances Control  
6                   1011 N. Grandview Avenue  
7                   Glendale, California 91201

8           7.2. Communications: All approvals and decisions of the Department made  
9 regarding such submittals and notifications shall be communicated to Respondent in  
10 writing by a Branch Chief, Department of Toxic Substances Control, or his/her  
11 designee. No informal advice, guidance, suggestions, or comments by the Department  
12 regarding reports, plans, specifications, schedules, or any other writings by Respondent  
13 shall be construed to relieve Respondent of its obligation to obtain such formal  
14 approvals as may be required.

15           7.3. Department Review and Approval: If the Department determines that any  
16 report, plan, schedule, or other document submitted for approval pursuant to this Order  
17 fails to comply with the Order or fails to protect public health or safety or the  
18 environment, the Department may:

19               a. Modify the document as deemed necessary and approve the document as  
20 modified; or

21               b. Return the document to Respondent with recommended changes and a date  
22 by which Respondent must submit to the Department a revised document incorporating  
23 the recommended changes.

24           7.4. Compliance with Applicable Laws: Respondent shall carry out this Order in  
25 compliance with all local, State, and federal requirements, including but not limited to  
26 requirements to obtain permits and to assure worker safety.

27           7.5. Endangerment during Implementation: In the event that the Department  
28 determines that any circumstances or activity (whether or not pursued in compliance  
with this Order) are creating an imminent or substantial endangerment to the health or

1 welfare of people on the site or in the surrounding area or to the environment, the  
2 Department may order Respondent to stop further implementation for such period of  
3 time as needed to abate the endangerment. Any deadline in this Order directly affected  
4 by a Stop Work Order under this section shall be extended for the term of such Stop  
5 Work Order.

6 7.6. Liability: Nothing in this Order shall constitute or be construed as a  
7 satisfaction or release from liability for any conditions or claims arising as a result of  
8 past, current, or future operations of Respondent, except as provided in this Order.  
9 Notwithstanding compliance with the terms of this Order, Respondent may be required  
10 to take further actions as are necessary to protect public health or welfare or the  
11 environment.

12 7.7. Site Access: Access to the Site shall be provided at all reasonable times to  
13 employees, contractors, and consultants of the Department, and any agency having  
14 jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or  
15 inspection that any agency may otherwise have by operation of any law. The  
16 Department and its authorized representatives may enter and move freely about all  
17 property at the Site at all reasonable times for purposes including but not limited to:  
18 inspecting records, operating logs, and contracts relating to the Site; reviewing the  
19 progress of Respondent in carrying out the terms of this Order; and conducting such  
20 tests as the Department may deem necessary. Respondent shall permit such persons  
21 to inspect and copy all records, documents, and other writings, including all sampling  
22 and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

23 7.8. Sampling, Data, and Document Availability: Respondent shall permit the  
24 Department and its authorized representatives to inspect and copy all sampling, testing,  
25 monitoring, and other data generated by Respondent or on Respondent's behalf in any  
26 way pertaining to work undertaken pursuant to this Order. Respondent shall allow the  
27 Department and its authorized representatives to take duplicates of any samples  
28 collected by Respondent pursuant to this Order. Respondent shall maintain a central

1 depository of the data, reports, and other documents prepared pursuant to this Order.  
2 All such data, reports, and other documents shall be preserved by Respondent for a  
3 minimum of six years after the conclusion of all activities under this Order. If the  
4 Department requests that some or all of these documents be preserved for a longer  
5 period of time, Respondent shall either comply with that request, deliver the documents  
6 to the Department, or permit the Department to copy the documents prior to destruction.  
7 Respondent shall notify the Department in writing at least six months prior to destroying  
8 any documents prepared pursuant to this Order.

9 7.9. Government Liabilities: The State of California shall not be liable for injuries  
10 or damages to persons or property resulting from acts or omissions by Respondent or  
11 related parties specified in paragraph 9.3 in carrying out activities  
12 pursuant to this Order, nor shall the State of California be held as a party to any contract  
13 entered into by Respondent or its agents in carrying out activities pursuant to this Order.

14 7.10. Incorporation of Plans and Reports: All plans, schedules, and reports that  
15 require Department approval and are submitted by Respondent pursuant to this Order  
16 are incorporated in this Order upon approval by the Department.

17 7.11. Extension Requests: If Respondent is unable to perform any activity or  
18 submit any document within the time required under this Order, the Respondent may,  
19 prior to expiration of the time, request an extension of time in writing. The extension  
20 request shall include a justification for the delay.

21 7.12. Extension Approvals: If the Department determines that good cause exists  
22 for an extension, it will grant the request and specify in writing a new compliance  
23 schedule.

## 24 PAYMENTS

25 8. Respondent shall pay the Department a total of \$50,000.00. Up to  
26 \$20,000.00 of the penalty amount is available as a credit against the penalty in the form  
27 of a supplemental environmental project (SEP) described in Exhibit 2 to this Order. The  
28 SEP shall be completed within one year of the effective date of this Order. If the

1 Department approved documented costs for the SEP exceeded the \$20,000.00, the  
2 excess amount shall not be considered as an additional credit to the total penalty  
3 amount. If the documented costs for the SEP do not total \$20,000.00, the Respondent  
4 shall pay the shortfall to the Department by check as part of the total penalty. Such  
5 difference shall be paid by Respondent to the Department within 30 days from  
6 Department's notice of the applicable amount to Respondent. For waste for which the  
7 Department authorizes SEP credits, the Respondent shall not receive reimbursement  
8 from the California Integrated Waste Management Board (CIWMB) pursuant to the SB  
9 20/ SB 50.

10 8.1. Respondent shall pay to the Department a penalty amount of \$25,000.00  
11 within 60 days of the effective date of this Order. Respondent's checks shall be made  
12 payable to Department of Toxic Substances Control, and shall be delivered together  
13 with the attached Payment Voucher to:

14 Department of Toxic Substances Control  
15 Accounting Office  
16 1001 I Street, 21st floor  
17 P. O. Box 806  
Sacramento, California 95812-0806

18 A photocopy of the check shall be simultaneously sent to:

19 Robert Kou, Unit Chief  
20 Statewide Compliance Division  
21 Glendale Branch  
22 Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

23 If Respondent fails to make payment as provided above, Respondent agrees to pay  
24 interest at the rate established pursuant to Health and Safety Code section 25360.1 and  
25 to pay all costs incurred by the Department in pursuing collection including attorney's  
26 fees.

27 8.2. Respondent hereby agrees to send one employee to the California  
28 Compliance School, Modules I-IV. Attendance must be completed and Respondent

1 must submit a Certificate of Satisfactory Completion issued by the California  
2 Compliance School to the Department of Toxic Substances Control within 185 days of  
3 the date of this Order. In recognition of this educational investment, the penalty  
4 imposed by this Order has been reduced by \$5,000.00 if the employee satisfactorily  
5 completes the specified school and the Department receives the Certificate of  
6 Satisfactory Completion within 185 days of the effective date of this Order. If  
7 Respondent fails to submit the certificate as required, the penalty of \$5,000.00 is due  
8 and payable within 30 days after the 185-day period expires. The 185-day period may  
9 be extended by a Department Branch Chief upon a written request demonstrating good  
10 cause from Respondent.

#### 11 OTHER PROVISIONS

12 9.1. Additional Enforcement Actions: By agreeing to this Order, the Department  
13 does not waive the right to take further enforcement actions, except to the extent  
14 provided in this Order.

15 9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order  
16 may subject Respondent to civil penalties and/or punitive damages for any costs  
17 incurred by the Department or other government agencies as a result of such failure, as  
18 provided by Health and Safety Code section 25188 and other applicable provisions of  
19 law.

20 9.3 Parties Bound: This Order shall apply to and be binding upon Respondent  
21 and its officers, directors, agents, receivers, trustees, employees, contractors,  
22 consultants, successors, and assignees, including but not limited to individuals,  
23 partners, and subsidiary and parent corporations, and upon the Department and any  
24 successor agency that may have responsibility for and jurisdiction over the subject  
25 matter of this Order.

26 9.4. Effective Date: The effective date of this Order is the date it is signed by the  
27 Department.  
28

1           9.5. Integration: This agreement constitutes the entire agreement between the  
2 parties and may not be amended, supplemented, or modified, except as provided in this  
3 agreement.  
4

5  
6 Dated: September 19, 2006

Original signed by Angel Castellanos  
Signature of Respondent's Representative

7  
8  
9  
10 Dated: \_\_\_\_\_

Angel Castellanos, General Manager  
Print Name and Title of Respondent's  
Representative

11  
12  
13  
14 Dated: September 19, 2006

Original signed by Robert Kou  
Robert Kou, Unit Chief  
Department of Toxic Substances Control  
Statewide Compliance Division

# EXHIBIT 1



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Electronics Partners Corporation  
1616 Perrino Place  
Los Angeles, CA 90023, and

Mr. James Mejia

ID No. CAL 000 268 784

Respondents.

Docket HWCA 2004 0678

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Electronics Partners Corporation and Mr. James Mejia (Respondents).

1.2. Site. Respondents generate, handle, treat and store Universal Waste Electronic Devices (UWEDs) and Cathode Ray Tubes (CRT) material, which are hazardous wastes, at the following site: 1616 Perrino Place, Los, Angeles, California 90023 (Site).

1.3. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

1           2.1. The Respondents violated California Code of Regulations, title 22, section  
2 66273.33, subsection (d)(2)(A), in that on or about July 28, 2004, the Respondents  
3 failed to submit to the Department, by certified mail with return receipt requested, a  
4 notification to handle Universal Waste Electronic Devices (UWEDs).

5           2.2. The Respondents violated California Code of Regulations, title 22, section  
6 66273.33, subsection (d)(3)(F)5., in that on or about July 28, 2004, the Respondents  
7 failed to ensure that all materials produced as a result of the treatment process of  
8 UWEDs are properly classified and managed.

9           2.3. The Respondents violated California Code of Regulations, title 22, section  
10 66273.33, subsection (d)(3)(F)7.a., in that on or about July 28, 2004, the Respondents  
11 failed to prepare and submit to the Department an estimate of the cost of facility closure,  
12 no later than 30 days prior to initially recycling or treating any UWEDs.

13           2.4. The Respondents violated California Code of Regulations, title 22, section  
14 66273.33, subsection (d)(3)(F)7.b., in that on or about July 28, 2004, the Respondents  
15 failed to prepare and submit to the Department documentation demonstrating financial  
16 assurance for closure, no later than 30 days prior to initially recycling or treating any  
17 UWEDs.

18           2.5. The Respondents violated California Code of Regulations, title 22, section  
19 66273.33, subsection (d)(3)(F)7.c., in that on or about July 28, 2004, the Respondents  
20 failed to prepare and submit to the Department documentation demonstrating financial  
21 responsibility for liability, no later than 30 days prior to initially recycling or treating any  
22 UWEDs.

### 23                           SCHEDULE FOR COMPLIANCE

24           3.1. Based on the foregoing Determination of Violations, IT IS HEREBY  
25 ORDERED THAT:

1           3.1.1. The Respondents have corrected the violations cited above. The  
2 Respondents shall operate hereafter in a manner that shall prevent recurrences of the  
3 violations cited herein.

4           3.2. Submittals. All submittals from Respondents pursuant to this Order shall be  
5 sent to:

6                   Robert Kou, Unit Chief  
7                   Statewide Compliance Division  
8                   Department of Toxic Substances Control  
9                   1011 N. Grandview Avenue  
10                  Glendale, California 91201

11           3.3. Communications. All approvals and decisions of the Department made  
12 regarding submittals and notifications will be communicated to Respondents in writing  
13 by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No  
14 informal advice, guidance, suggestions, or comments by the Department regarding  
15 reports, plans, specifications, schedules, or any other writings by Respondents shall be  
16 construed to relieve Respondents of the obligation to obtain such formal approvals as  
17 may be required.

18           3.4. Department Review and Approval. If the Department determines that any  
19 report, plan, schedule, or other document submitted for approval pursuant to this Order  
20 fails to comply with the Order or fails to protect public health or safety or the  
21 environment, the Department may:

22                   a. Modify the document as deemed necessary and approve the document  
23 as modified, or

24                   b. Return the document to Respondents with recommended changes and  
25 a date by which Respondents must submit to the Department a revised document  
incorporating the recommended changes.

1           3.5. Compliance with Applicable Laws: Respondents shall carry out this Order  
2 in compliance with all local, State, and federal requirements, including but not limited to  
3 requirements to obtain permits and to assure worker safety.

4           3.6. Endangerment during Implementation: In the event that the Department  
5 determines that any circumstances or activity (whether or not pursued in compliance  
6 with this Order) are creating an imminent or substantial endangerment to the health or  
7 welfare of people on the site or in the surrounding area or to the environment, the  
8 Department may order Respondents to stop further implementation of this Order for  
9 such period of time as needed to abate the endangerment. Any deadline in this Order  
10 directly affected by a Stop Work Order under this section shall be extended for the term  
11 of the Stop Work Order.

12           3.7. Liability: Nothing in this Order shall constitute or be construed as a  
13 satisfaction or release from liability for any conditions or claims arising as a result of  
14 past, current, or future operations of Respondents. Notwithstanding compliance with  
15 the terms of this Order, Respondents may be required to take further actions as are  
16 necessary to protect public health or welfare or the environment.

17           3.8. Site Access: Access to the site shall be provided at all reasonable times to  
18 employees, contractors, and consultants of the Department, and any agency having  
19 jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or  
20 inspection that any agency may otherwise have by operation of any law. The  
21 Department and its authorized representatives shall have the authority to enter and  
22 move freely about all property at the Site at all reasonable times for purposes including  
23 but not limited to: inspecting records, operating logs, and contracts relating to the Site;  
24 reviewing the progress of Respondents in carrying out the terms of this Order; and  
25 conducting such tests as the Department may deem necessary. Respondents shall  
permit such persons to inspect and copy all records, documents, and other writings,

1 including all sampling and monitoring data, in any way pertaining to work undertaken  
2 pursuant to this Order.

3       3.9. Data and Document Availability. Respondents shall permit the Department  
4 and its authorized representatives to inspect and copy all sampling, testing, monitoring,  
5 and other data generated by Respondents or on Respondents' behalf in any way  
6 pertaining to work undertaken pursuant to this Order. Respondents shall allow the  
7 Department and its authorized representatives to take duplicates of any samples  
8 collected by Respondents pursuant to this Order. Respondents shall maintain a central  
9 depository of the data, reports, and other documents prepared pursuant to this Order.  
10 All such data, reports, and other documents shall be preserved by Respondents for a  
11 minimum of six years after the conclusion of all activities under this Order. If the  
12 Department requests that some or all of these documents be preserved for a longer  
13 period of time, Respondents shall either, comply with that request, deliver the  
14 documents to the Department, or permit the Department to copy the documents prior to  
15 destruction. Respondents shall notify the Department in writing at least six months prior  
16 to destroying any documents prepared pursuant to this Order.

17       3.10. Government Liabilities: The State of California shall not be liable for  
18 injuries or damages to persons or property resulting from acts or omissions by  
19 Respondents or related parties in carrying out activities pursuant to this Order, nor shall  
20 the State of California be held as a party to any contract entered into by Respondents or  
21 their agents in carrying out activities pursuant to the Order.

22       3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that  
23 require Department approval and are submitted by Respondents pursuant to this Order  
24 are incorporated in this Order upon approval by the Department.

25       3.12. Extension Request: If Respondents is unable to perform any activity or  
submit any document within the time required under this Order, the Respondents may,

1 prior to expiration of the time, request an extension of time in writing. The extension  
2 request shall include a justification for the delay.

3 3.13. Extension Approvals: If the Department determines that good cause exists  
4 for an extension, it will grant the request and specify in writing a new compliance  
5 schedule.

#### 6 OTHER PROVISIONS

7 4.1. Additional Enforcement Actions: By issuance of this Order, the Department  
8 does not waive the right to take further enforcement actions.

9 4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order  
10 may also subject Respondents to costs, penalties, and/or punitive damages for any  
11 costs incurred by the Department or other government agencies as a result of such  
12 failure, as provided by Health and Safety Code section 25188 and other applicable  
provisions of law.

13 4.3. Parties Bound: This Order shall apply to and be binding upon Respondents,  
14 and their officers, directors, agents, employees, contractors, consultants, receivers,  
15 trustees, successors, and assignees, including but not limited to individuals, partners,  
16 and subsidiary and parent corporations.

17 4.4. Time Periods. "Days" for purposes of this Order means calendar days.

#### 18 PENALTY

19 5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department  
20 sets the amount of Respondents' penalty at \$70,340. Payment is due within 30 days  
21 from the effective date of the Order. Respondents' check shall be made payable to the  
22 Department of Toxic Substances Control, and shall identify the Respondents and the  
23 Docket Number, as shown in the heading of this case.

Respondents shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Roberto Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Glendale, California 91201

Debra Schwartz, Staff Counsel  
Office of Legal Counsel and Investigations  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Glendale, California 91201

#### RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

#### EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondents, unless Respondents request a hearing within the twenty-day period.

Date of Issuance: November 3, 2005

Original signed Florence Gharibian  
Florence Gharibian, Chief  
Glendale Branch  
Statewide Compliance Division  
Department of Toxic Substances Control